

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In Re:	§	
	§	
DEEP MARINE HOLDINGS, INC.,	§	Case No. 09-39313
et al.	§	
	§	
Debtors.	§	Jointly Administered Chapter 11

**DEBTORS' EXPEDITED MOTION TO EXTEND TIME FOR THE DEBTORS TO FILE
NOTICES OF REMOVAL UNDER FEDERAL RULE OF
BANKRUPTCY PROCEDURE 9027**

A HEARING WILL BE CONDUCTED ON THIS MATTER ON FEBRUARY 18, 2010 AT 3:00 P.M. IN COURTROOM 404, 515 RUSK, HOUSTON, TEXAS 77002. IF YOU OBJECT TO THE RELIEF REQUESTED, YOU MUST RESPOND IN WRITING, SPECIFICALLY ANSWERING EACH PARAGRAPH OF THIS PLEADING. UNLESS OTHERWISE DIRECTED BY THE COURT, YOU MUST FILE YOUR RESPONSE WITH THE CLERK OF THE BANKRUPTCY COURT WITHIN TWENTY-THREE DAYS FROM THE DATE YOU WERE SERVED WITH THIS PLEADING. IN ADDITION TO FILING YOUR RESPONSE WITH THE CLERK, YOU MUST GIVE A COPY OF YOUR RESPONSE TO THE PERSON WHO SENT YOU THE NOTICE; OTHERWISE, THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND GRANT THE RELIEF REQUESTED.

TO THE HONORABLE MARVIN ISGUR, UNITED STATES BANKRUPTCY JUDGE:

The above-captioned debtors and debtors-in-possession (together, the "Debtors"), by and through their undersigned attorneys, file this Expedited Motion to Extend Time for the Debtors to File Notices of Removal Under Federal Rule of Bankruptcy Procedure 9027 (the "Motion").

In support of this Motion, the Debtors respectfully represent as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over these cases and this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding within the meaning of 28 U.S.C. § 157. Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

II. BACKGROUND¹

2. On December 4, 2009 (the "Petition Date"), the Debtors filed voluntary petitions for relief under chapter 11, Title 11 of the United States Code (the "Bankruptcy Code") in the United States Bankruptcy Court for the Southern District of Texas, Houston Division (the "Court"). Pursuant to sections 1107(a) and 1108 of the Bankruptcy Code, the Debtors are operating their businesses and managing their property as debtors-in-possession. Joint administration of the cases was granted by Court order on December 8, 2009. No trustees or examiners have been appointed in these cases.

3. The Court entered its Order Granting Chapter 11 Complex Case Treatment on January 5, 2010 (Doc. No. 107).

4. An official committee of unsecured creditors (the "Committee") was appointed in these cases on December 15, 2009. The Committee requested the appointment of a chief restructuring officer, and on January 7, 2010, this Court entered an order appointing John Bittner of Grant Thornton to serve as Chief Restructuring Officer ("CRO") for the Debtors.

III. RELIEF REQUESTED

5. Under Federal Rule of Bankruptcy Procedure (the "Bankruptcy Rules") 9027(a), with respect to those claims or causes of action in a civil action pending when a case under the Bankruptcy Code is commenced, a notice of removal may be filed only within the longest of (A)

¹ A more complete background of the Debtors' businesses and the events leading to the filing of these cases is provided in the Affidavit of John Hudgens in Support of First Day Motions (Doc. No. 41).

90 days after the order for relief in the case under the Bankruptcy Code, (B) 30 days after entry of an order terminating a stay, if the claim or cause of action in a civil action has been stayed under § 362 of the Bankruptcy Code, or (C) 30 days after a trustee qualifies in a chapter 11 reorganization case but not later than 180 days after the order for relief. If a claim or cause of action is asserted in another court after the commencement of a case under the Bankruptcy Code, a notice of removal may be filed only within the shorter of (A) 30 days after receipt, through service or otherwise, of a copy of the initial pleading setting forth the claim or cause of action sought to be removed, or (B) 30 days after receipt of the summons if the initial pleading has been filed with the court but not served with the summons.

6. The Debtors seek an order, pursuant to Bankruptcy Rule 9006, to extend the time for filing notices of removal under any provision of Rule 9027 from March 4, 2010 until May 3, 2010. The Debtors' bankruptcy cases involve complicated issues, and the Debtors have devoted significant time and resources to filing their statements and schedules, filing and prosecution of the first day motions, finalizing the details of post-petition financing, negotiating the appointment of a chief restructuring officer, prosecuting the adversary proceeding related to the Delaware Causes of Action, and pursuing numerous initial business matters related to the early stages of these complex chapter 11 cases (including initial contact with the market to determine interest in asset sales and/or plan sponsorship). As a result of these events, the Debtors request an extension to better evaluate the scope of any pending litigation, to consider how such litigation may affect the Debtors, and to determine whether removing the litigation would be proper and more beneficial to the reorganization. Additional time is necessary for this examination to proceed and to carefully consider the need for removal of pending or recently initiated matters.

IV. ARGUMENT AND AUTHORITY

7. Bankruptcy Rule 9006(b)(1) provides in relevant part that "when an act is required or allowed to be done at or within a specified period by [the Bankruptcy Rules] or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion . . . with or without motion or notice order the period enlarged if the request therefor is made before the expiration of the period originally prescribed or as extended by a previous order" FED. R. BANKR. P. 9006(b)(1). Considered together with Rule 9027, Bankruptcy Rule 9006 provides authority to enlarge the time period for removing actions arising under the Bankruptcy Code. *See, e.g., Caperton v. A.T. Massey Coal Co.*, 251 B.R. 322, 325 (S.D.W.V. 2000) (finding that Rule 9006 permits extension of 30 day time period to remove under Rule 9027). The Debtors file this Motion before the expiration of the period originally prescribed in Rule 9027.

8. Cause exists because the Debtors need the additional time to properly assess the scope and strategies of any pending litigation and how such litigation may affect their reorganization. The Debtors are still at an early stage in their cases. Indeed, the Debtors have not formulated a plan or business restructuring at this time, but have the exclusive period of 120 days from the Petition Date to formulate and file a plan of reorganization.

9. Due to the Debtors not having finalized many important issues related to their restructuring, including their reorganization plan, it makes little sense, in the short time frame prescribed by Rule 9027, to force the Debtors to make decisions, such as determining whether to file notices of removal of any outstanding litigation, which may have an effect on their ability to effectively reorganize.

VI. CONCLUSION

WHEREFORE, premises considered, the Debtors respectfully request that the Court grant the relief requested herein and enter an order substantially in the form attached hereto, and grant the Debtors such other and further relief as the Court deems just.

Respectfully submitted,

BRACEWELL & GIULIANI LLP

By: /s/ Jason G. Cohen

Marcy E. Kurtz
Texas Bar No. 11768600
Marcy.Kurtz@bgllp.com
William A. (Trey) Wood III
Texas Bar No. 21916050
Trey.Wood@bgllp.com
Jason G. Cohen
Texas Bar No. 24050435
Jason.Cohen@bgllp.com
Bracewell & Giuliani LLP
711 Louisiana, Suite 2300
Houston, Texas 77002
Telephone: (713) 223-2300
Facsimile: (713) 221-1212

ATTORNEYS FOR THE DEBTORS

CERTIFICATE OF SERVICE

The undersigned certifies that on February 11, 2010, a true and correct copy of this document was served on all parties on the attached master service list by electronic means as listed on the court's ECF noticing system, by electronic mail as indicated, and/or by United States first class mail, postage prepaid.

/s/ Jason G. Cohen
Jason G. Cohen

**DEEP MARINE HOLDINGS, INC.
CONSOLIDATED MASTER SERVICE LIST***

DEBTORS

Deep Marine Holdings, Inc.
Deep Marine Technology
Incorporated
Deep Marine 1, LLC
Deep Marine 2, LLC
Deep Marine 3, LLC
Deep Marine 4, LLC
20411 Imperial Valley
Houston, TX 77073

John Bittner
Grant Thornton LLP
1717 Main Street
Dallas, TX 75201
John.Bittner@gt.com
Chief Restructuring Officer

DEBTORS' ATTORNEY

Marcy E. Kurtz
William A. (Trey) Wood, III
Jason G. Cohen
Bracewell & Giuliani LLP
711 Louisiana, Suite 2300
Houston, TX 77002
marcy.kurtz@bgllp.com
trey.wood@bgllp.com
jason.cohen@bgllp.com

UNITED STATES TRUSTEE

Office of the U.S. Trustee
Attn: Nancy Holley
515 Rusk Ave., Suite 3516
Houston, TX 77002
nancy.holley@usdoj.gov

GOVERNMENTAL ENTITIES

Internal Revenue Service
300 East 8th Street
STOP 5026 AUS
Austin, TX 78701

U.S. Attorneys Office
Civil Division
Southern District of Texas
PO Box 61129
Houston, TX 77208

U.S. Attorneys Office **DUPLICATE**
Civil Division
Southern District of Texas
PO Box 61129
Houston, TX 77208

SECURED CREDITORS *

GE Capital
60 Wall Street
New York, NY 10005

Susan C. Mathews
Adams and Reese LLP
1221 McKinney, Suite 4400
Houston, TX 77010
susan.mathews@arlaw.com
*Attorneys for GE Business Financial
Services Inc.*

Lawrence Rutkowski
Seward & Kissel LLP
One Battery Park Plaza
New York, NY 10004
rutkowski@sewkis.com
Attorneys for GE Capital

PNC Bank NA
PO Box 94931
Cleveland, OH 44101

DCC Ventures, LLC
Attn: Michael Davies
3960 Howard Hughes Parkway
5th Floor
Las Vegas, NV 89169
mike@njkhholding.com

Robert R. Weinstine
Winthrop & Weinstine PA
225 South Sixth Street, Suite 500
Minneapolis, MN 55402
RWeinstine@winthrop.com
*Attorney for Nasser Kazeminy, DCC
Ventures LLC, Triomphe Investors,
LLC and NJK Holding Corporation*

Jennifer L. Davis
McGlinchey Stafford PLLC
1001 McKinney Street
Suite 1500
Houston, TX 77002
jdavis@mcglinchey.com
*Attorneys for PNC Bank, National
Association, successor to National
City Business Credit, Inc.*

Brad J. Axelrod
McGlinchey Stafford PLLC
301 Main St. - 14th floor
Baton Rouge, LA 70825
baxelrod@mcglinchey.com
*Attorneys for PNC Bank, National
Association, successor to National City
Business Credit, Inc.*

HOUSTON2344906

* Debtors reserve all rights with respect to classification of creditor claims.

Richard A. Aguilar
McGlinchey Stafford PLLC
12th Floor, 601 Poydras Street
New Orleans, LA 70130
raguilar@mcglinchey.com
*Attorneys for PNC Bank,
National Association, successor
to National City Business Credit,
Inc.*

Otto Candies, LLC
PO Box 25
Des Allemands LA 70030
otto3@ottocandies.com

Karl Zimmermann
Baldwin Haspel Burke
& Mayer LLC
11 Poydras Street, Suite 2200
New Orleans, LA 70163-2200
karlz@bhbmlaw.com
*Attorney for Otto Candies,
L.L.C., Otto Candies, III, and
Candies Shipbuilders, LLC*

**TOP 30 UNSECURED
CREDITORS***

Aramark Business & Industry
and Supply
James Wells
Stan Applegate
Pat Leibler
Tom Leaverton
1101 Market Street
Philadelphia, PA 19107
wells-james@aramark.com
applegate-stan@aramark.com
liebler-patrick@aramark.com
leaverton-tom@aramark.com

Joseph Lubertazzi, Jr.
Angela Abreu
McCarter & English
Four Gateway Center
100 Mulberry Street
Newark, NJ 07102
jlubertazzi@mccarter.com
aabreu@mccarter.com
*Attorneys for Aramark Business &
Industry, and Supply*

Asamarbunkers c/o Asamar, Inc
1099 Wall Street West
Suite 138
Lyndhurst, NJ 07071
asamar@asamar.com

B&J Martin, Inc./MARTIN QUAR
18104 W. Main
Galliano, LA 70354
april@bjmartininc.com

BNA Marine Services, LLC
1022 Jackson Road
Amelia, LA 70340
bnamarine@aol.com

Bollinger Fourchon, LLC
106 Norman Doucet Dr.
Golden Meadow, LA 70357
KimberlyS@bollingershipyards.com

Bollinger Texas City
2201 Dock Rd, Dock 42
Texas City, TX 77590
KimberlyS@bollingershipyards.com

BP America
501 Westlake Park Blvd
WLI Office 24, 108A
Houston, TX 77079
vendorauditprogram@bp.com

Candies Shipbuilders
1100 Oak St
Houma, LA 70363
otto3@ottocandies.com

CapRock Communications
Attn: Alan Aronowitz
4400 S. Sam Houston Parkway E
Houston, TX 77048
aaronowitz@caprock.com

Conrad Shipyard, LLC
PO Box 790
Morgan City, LA 70381
FANewman@conradindustries.com

Crossmar Incorporated
1950 A S. Van Ave.
Houma LA 70363
emeadow@thecrossgroup.com

Ertech India
307 Bezollah Complex
Sion Trombay Rd.
Chembur, Mumbai 400071
ertchin@vsnl.com

ES&H
1730 Coteau Rd
Houma LA 70364
Fax: 985-851-1978

Greenburg Traurig LLP
300 W 6th St., Suite 2050
Austin TX 78701
BattagliniK@gtlaw.com

Greenwood Marine Management I
300 Everett Street
Morgan City, LA 70380
dan@greenwoodmarine.com

GS-HYDRO-US, Inc
16405 Air Center Blvd, Suite 400
Houston TX 77032
Fax: 713-951-0708

Huisman-Itrec Special Lifting
Admiral Trompstraat 2
3115 HH Schiedam, PO Box 150
3100 AD Schiedam Harbor #561
NL
mheijerman@huisman-nl.com
bdeboer@huisman-nl.com

Intermoor, Inc.
PO Box 1599
Amelia LA 70340

Intrepid Global Ind.
11931 Wickchester Lane #300
Houston TX 77043
dsorrel@huisman-intrepid.com

Madcon Corporation
63374 Old Military Rd
Pearl River LA 70452
btrader@madconcorp.com

Nexans Norway AS
Postboks 63450
Etterstad, Oslo, Norway
N-0605
les@carichards.com

Nader C. Kazeminy
Chief Executive
NJK Holding Corporation
85 Normandale Lake Blvd.
Minneapolis MN 55437
nader@njkhholding.com

Noble Denton Marine
14701 St. Mary's Lane, Suite 425
Houston TX 77079
matt.muddiman@nobledenton.com

NREC Power Systems, Inc.
5222 Hwy 311
Houma LA 70360
power@nrecps.com

Ocean Services, LLC
2629 NW 54th St, Suite W201
Seattle WA 98107
ronp@stabbertmaritime.com

PNC Bank, N.A.
P.O. Box 828702
Philadelphia, PA 19182-8702
Justin.Sohnlein@nationalcity.com

Seagull Marine/Agility
115 Canvasback Drive
St. Rose LA 77087
davet@seagullmarine.com

The IUC Group
222 Fordham St
Bronx NY 10464
lgalerie@iucgroup.com

UTEC Survey Inc.
10801 Hammerly Blvd.
Suite 212
Houston TX 77043
dave.ross@utecsury.com

Hugh Ray, Jr.
Hugh M. Ray, III
Paul D. Moak
Basil A. Umari
McKool Smith PC
600 Travis, Suite 7000
Houston, TX 77002
hgray@mckoolsmith.com
hmrar@mckoolsmith.com
pmoak@mckoolsmith.com
bumari@mckoolsmith.com

*Proposed Attorneys for the Official
Committee of Unsecured Creditors*

OTHER PARTIES FOR NOTICE

Tony Gerbino
Jeffrey Whetzel
Grant Thornton LLP
333 Clay Street
Houston, TX 77002-4000
Tony.Gerbino@gt.com
Jeffrey.Whetzel@gt.com

Southwest Bank of Texas
Aka Amegy Bank of Texas
PO Box 4837
Houston, TX 77210-4837

Merrill Lynch Business Financial
Services, Inc.
222 North LaSalle Street, 17th Floor
Chicago, IL 60601

Perry Slingsby Systems
10642 West Little York, Suite 100
Houston, TX 77041

Inspectronic Corporation
222 E. Fordham Road
Bronx, NY 10458-5006

National City Business Credit,
Inc.
1965 E. 6th Street
Cleveland, OH 44114

General Electric Capital
Corporation
3135 Easton Turnpike
Fairfield, CT 06828-0001

Cisco Systems Capital
Corporation
170 W Tasman Drive
San Jose, CA 95134

Herc Exchange, LLC
3817 Northwest Expressway
Oklahoma City, OK 73112

Radler Enterprises, Inc.
530 Wells Fargo Drive, Suite 300
Houston, TX 77090

Mark L. Clark
Brown Sims
Poydras Center, Suite 2200
650 Poydras Street
New Orleans, LA 70130
mclark@brownsims.com

Karen A. Cooper
Aon Risk Services
Southwest, Inc./Aon Energy
1330 Post Oak Blvd, Suite 900
Houston, TX 77056-3089
Karen_Cooper@ars.aon.com

Tony M. Davis
Baker Botts LLP
One Shell Plaza
910 Louisiana
Houston, TX 77002
tony.davis@bakerbotts.com

Thomas W. Graves
Adair & Myers
3120 Southwest Freeway, Suite 320
Houston, TX 77098
twg@am-law.com

Gary W. Dugger
Dugger & Associates
1177 Enclave Parkway, Suite 250
Houston, TX 77077
duggerlaw@dugger.com

PARTIES REQUESTING NOTICE

Joel W. Mohrman
Anderson L. Cao
McGlinchey Stafford PLLC
1001 McKinney, Suite 1500
Houston, TX 77002
jmohrman@mcglinchey.com
acao@mcglinchey.com
*Attorney for Beauty Elite Properties,
L.P.*

Ross Spence
Snow Fogel Spence LLP
2929 Allen Parkway, Suite 4100
Houston, TX 77019
rossspence@snowfogel.com
Attorney for Michael Rentfrow

Edward L. Rothberg
Melissa A. Haselden
Weyer Kaplan Pulaski & Zuber PC
11 Greenway Plaza, Suite 1400
Houston, TX 77046
erothberg@wkpz.com
mhaselden@wkpz.com
*Attorneys for CapRock
Communications*

Stephen L. Williamson
Ryan M. McCabe
Montgomery Barnett Brown Read
Hammond & Mintz LLP
3300 Energy Centre
1100 Poydras Street
New Orleans, LA 70163
swilliamson@monbar.com
rmccabe@monbar.com
*Attorneys for Bollinger Fourchon
L.L.C.*

Keith M. Aurzada
John C. Leininger
Bryan Cave, LLP
2200 Ross Avenue, Suite 3300
Dallas, TX 75201
keith.aurzada@bryancave.com
john.leininger@bryancave.com
*Attorneys for SunChase Holdings,
Inc.*

Marc Douglas Myers
Adair Myers PLLC
3120 Southwest Freeway
Suite 320
Houston, TX 77098
mm@am-law.com
Attorney for UTEC Surveying, Inc.

Josh N. Bowlin
Chamberlain Hrdlicka White
Williams & Martin
1200 Smith Street, Suite 1400
Houston, TX 77002
josh.bowlin@chamberlainlaw.com
*Attorney for Huisman-Itrec Lifting
and Huisman-Intrepid Services LLC*

David S. Elder
Gardere Wynne Sewell LLP
1000 Louisiana, Suite 3400
Houston, TX 77002-5011
delder@gardere.com
***Attorneys for Oceaneering
International, Inc.***

McDermott Will & Emery LLP
Attn: Gary O. Ravert
340 Madison Avenue
New York, NY 10173-1922
gravert@mwe.com

McDermott Will & Emery LLP
Attn: Steven G. Spears
1000 Louisiana, Suite 3900
Houston, TX 77002-5005
sspears@mwe.com
***Attorneys for McDermott Will &
Emery LLP***

John P. Dillman
Linebarger Goggan Blair
& Sampson LLP
PO Box 3064
Houston, TX 77253-3064
Houston_bankruptcy@publicans.com
***Attorneys for Cypress- Fairbanks ISD
and Harris County***

Blaine F. Bates
Peter Ruggero
Haynes and Boone LLP
1 Houston Center
1221 McKinney, Suite 2100
Houston, TX 77010
Blaine.Bates@haynesboone.com
Peter.Ruggero@haynesboone.com
Attorney for Paul McKim

Omer F. Kuebel, III
Locke Lord Bissell & Liddell LLP
601 Poydras Street, Suite 2660
New Orleans, LA 70130
nobankecf@lockelord.com
hobankecf@lockelord.com
Attorney for BP America, Inc.

Henry A. King
King, Krebs & Jurgens
201 St. Charles Avenue, 45th Floor
New Orleans, LA 70170
hking@kingkrebs.com
Attorneys for PHI, Inc.

William J. Perry
Galloway Johnson Tompkins Burr &
smith
701 Poydras Street, 40th Floor
New Orleans, LA 70139
wperry@gitbs.com
Attorney for MADCON Corporation